

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KRZYSZTOF F. WOLINSKI,

Plaintiff,

v.

GENA JONES, et al.,

Defendants.

No. 2:23-cv-00383-DAD-DB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
MOTION TO PROCEED *IN FORMA*  
*PAUPERIS*

(Doc. Nos. 2, 11)

Plaintiff Krzysztof F. Wolinski is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 20, 2023, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's application to proceed *in forma pauperis* (Doc. No. 2) be denied because: (1) he is subject to the three strikes bar under 28 U.S.C. § 1915(g); and (2) the allegations of plaintiff's complaint do not satisfy the "imminent danger of serious physical injury" exception to § 1915(g). (Doc. No. 11); *see Andrews v. Cervantes*, 493 F.3d 1047, 1051–55 (9th Cir. 2007). The magistrate judge also recommended that plaintiff be ordered to pay the required \$402.00 filing fee in full in order to proceed with this action. (*Id.* at 2.) The findings and recommendations were served on plaintiff and contained notice that any objections thereto were

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1 to be filed within thirty (30) days after service. (*Id.* at 3.) To date, no objections to those findings  
2 and recommendations have been filed, and the time in which to do so has now passed.<sup>1</sup>

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the undersigned has  
4 conducted a *de novo* review of the case. Having carefully reviewed the entire file, the  
5 undersigned concludes that the findings and recommendations are supported by the record and  
6 proper analysis.

7 Accordingly,

- 8 1. The findings and recommendations issued on April 20, 2023 (Doc. No. 11) are  
9 adopted;
- 10 2. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is denied;
- 11 3. Within thirty (30) days from the date of service of this order, plaintiff shall pay the  
12 \$402.00 filing fee in full in order to proceed with this action;
- 13 4. Plaintiff is forewarned that failure to pay the filing fee within the specified time  
14 will result in the dismissal of this action; and
- 15 5. This matter is referred back to the assigned magistrate judge for further  
16 proceedings consistent with this order.

17 IT IS SO ORDERED.

18 Dated: August 9, 2023

19   
UNITED STATES DISTRICT JUDGE

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24 <sup>1</sup> On July 10, 2023, plaintiff filed a motion requesting a “Court Order Directing Prison  
25 Authorities to Accommodate A.D.A. Inmate-Patient with Access to Prison Library,” which  
26 remains pending before the assigned magistrate judge. (Doc. No. 16.) Plaintiff previously filed  
27 several similar motions seeking the same relief, which the assigned magistrate judge denied. (*See*  
28 Doc. Nos. 7, 9, 12, 13, 14, 15.) Plaintiff's pending motion does not include any objections to the  
pending findings and recommendations, nor does plaintiff otherwise address the magistrate  
judge's finding that plaintiff is subject to the three strikes bar under 28 U.S.C. § 1915(g) and that  
he has not satisfied the “imminent danger of serious physical injury” exception to § 1915(g).